

(CLEAN COPY OF CURRENTLY AMENDED CLAIM)

1. In a customer-designer relationship process wherein a customer profile is developed which can then be input to an algorithmic method for developing an optimized solution for a Server Farm and associated modules which would be most suitable for the customer, and wherein certain factors are developed which include (i) the customer's sizing requirements which indicate the number of servers which may be required and their availability levels which indicate the percentage of operating "on" time predicted for each server; (ii) the physical site locations of each Server Farm according to its locational address; (iii) the total number of users at each locational site; (iv) the concurrent number of users at each site that are operating at a given period of time; (v) the working types and number of users operating at each site; (vi) the types of application programs that will be used by each type of working user; (vii) specifying the number of concurrent users as to their User-type in relationship to their use of each application type, a method for configuring a Server Farm network comprising the steps of:

(a) establishing on a Windows screen, a configuration session between the designer and the customer in order to develop the customer's sizing requirements;

(b) generating a display report which will recommend the optimum server configuration and other necessary information to optimize the customer's requirements.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. In a customer-designer relationship process wherein a customer profile is developed which can then be input to an algorithmic method for developing an optimized solution for a Server Farm and associated modules which would be most suitable for the customer, and wherein certain factors are developed which include:</p> <p>(i) the customer's sizing requirements which indicate the number of servers which may be required and their availability levels which indicate the percentage of operating "on" time predicted for each server;</p>	<p><i>Col. 4, lines 45-50:</i></p> <p>. . . transactions per user and the total number of users. Block 34 represents the calculation of the network throughput by adding the input and output data sizes, multiplying the result by the number of users and by the number of transactions per user. Block 36 represents the calculation of the total amount of disk space by adding the disk space needed for the main application with the disk space needed for auxiliary tasks. Block 38 represents the calculation of the number of disk drives required by dividing the disk space by the size of the disk drives. Block 40 represents the calculation of the</p> <p>...</p>

APPLICANTS' CLAIM 1(i): Here, Examiner has cited the Bhat reference, column 4, lines 45-50. This, the Examiner contends, applies to claim 1 clause (i), where Applicants' state --- the customer's sizing requirements which indicate the number of servers which may be required and their availability levels which indicate the percentage of operating "on" time predicted for each server. Note that the cited Bhat reference column 4, lines 45-50 certainly do not teach customer's sizing requirements which would indicate the number of servers required, their availability levels, and the percentage of operating "on time" predicted for each server.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
1. (ii) the physical site locations of each Server Farm according to its locational address;	<i>No citation by Examiner.</i>

APPLICANTS' CLAIM 1(ii): In this regard, there is no citation by the Examiner to indicate use of the physical site locations of each Server Farm according to its locational address.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (iii) the total number of users at each locational site;</p>	<p><i>Col. 4, lines 31-43:</i></p> <p>Blocks 28-42 represent the calculations performed by the present invention in determining the model of multiprocessor computer system to suggest. Block 28 represent the calculation of the network service time per transaction by adding the input data size and output data size per transaction and dividing by the network bandwidth. Block 30 represents the calculation of a transaction service time by adding the processor service time per transaction to the network service time per transaction. Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the total number of users.</p>

APPLICANTS' CLAIM 1(iii): Here, Examiner has cited Bhat, column 4, lines 31-43. There is nothing in Bhat here to indicate Applicants' clause 1 (iii) regarding the total number of users at each locational site.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (iv) the concurrent number of users at each site that are operating at a given period of time;</p>	<p><i>Col. 4, lines 31-43:</i></p> <p>Blocks 28-42 represent the calculations performed by the present invention in determining the model of multiprocessor computer system to suggest. Block 28 represent the calculation of the network service time per transaction by adding the input data size and output data size per transaction and dividing by the network bandwidth. Block 30 represents the calculation of a transaction service time by adding the processor service time per transaction to the network service time per transaction. Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the ...</p>

APPLICANTS' CLAIM 1(iv): Here, Examiner has cited the Bhat reference, column 4, lines 31-43. Now, as seen in the attached Chart, this section of Bhat does not teach the usage of the concurrent number of users at each site that are operating at a given period of time.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
1. (v) the working types and number of users operating at each site;	Col. 4, lines 40-42: Block 32 represents the calculation of the processor service time required by the number of transactions per user and the total number of users.

APPLICANTS' CLAIM 1(v): Here, Examiner has cited Bhat, column 4, lines 40-42. But note, that the statement cited by Examiner here does not teach Applicants' clause (v) as to the use of working types and number of users operating at each site.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (vi) the types of application programs that will be used by each type of working user;</p>	<p><i>Col. 1, lines 44-47:</i></p> <p>. . . of the vendor. Sizing the computer system requires time and a correct understanding of the customer's application and the performance of the proposed computer systems. In the prior art, there exists no tool for sizing the complex multiprocessor computer systems used in client/server environments.</p>

APPLICANTS' CLAIM 1(vi): Here, Examiner has cited Bhat, column 1, lines 44-47. Now observing the chart of correlating indications, it will be seen that the statement here does not teach Applicants' clause (vi) regarding the types of application programs that will be used by each type of working user.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (vii) specifying the number of concurrent users as to their User-type in relationship to their use of each application type, a method for configuring a Server Farm network comprising the steps of:</p>	<p><i>Col. 3, lines 1-6:</i></p> <p>The present invention accepts information regarding the customer's application, including the data size, processing time, and other characteristics of the transactions performed by the application, and then mathematically models and suggests an optimum configuration of a multiprocessor computer system as a solution. More specifically, the present...</p>

APPLICANTS' CLAIM 1(vii): Here, Examiner has cited column 3, lines 1-6. Again, we note by looking at the Chart, that Bhat does not teach --- (vii) specifying the number of concurrent users as to their User-type in relationship to their use of each application type, involving a method for configuration of a Server Farm network.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (a) establishing on a Windows screen, a configuration session between the designer and the customer in order to develop the customer's sizing requirements;</p>	<p><i>Col. 2, lines 44-58:</i></p> <p>The present invention provides an interactive computer-implemented tool that is fast and easy to use, enhances the productivity of salespersons, provides a competitive advantage for vendors, and provides a cost effective way of doing business for vendors. In most cases, the present invention is intended to be vendor specific, but specialized for set or subset of computer system configurations. The present invention is founded on an understanding of the typical marketing and sales process for computer systems.</p> <p>The present invention reduces the burden of doing detailed configurations. Once the rules have been laid down, the present invention faithfully and accurately produces the configuration, associated pricing and maintenance costs for a specified set of user constraints. It is, in essence, an attempt to automate the marketing and sales process to save substantial amounts of time for salespersons. The saved time in . . .</p> <p><i>Col. 3, lines 1-5:</i></p> <p>The present invention accepts information regarding the customer's application, including the data size, processing time, and other characteristics of the transactions</p> <p><i>(continued next page)</i></p>

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p><i>(CONTINUED FROM PREVIOUS PAGE)</i></p> <p>1. (a) establishing on a Windows screen, a configuration session between the designer and the customer in order to develop the customer's sizing requirements;</p>	<p><i>(CONTINUED FROM PREVIOUS PAGE)</i></p> <p><i>Col. 3, lines 1-5:</i></p> <p>performed by the application, and then mathematically models and suggests an optimum configuration of a multiprocessor computer system as a solution. More specifically, the present . . .</p>

APPLICANTS' CLAIM 1(a): Here, Examiner has cited the Bhat reference, column 2, lines 44-48, and column 3, lines 1-5. Then again, one should certainly note that, even by the widest stretch of inferences, those elements of the Bhat reference do not teach the clause of 1(a) for establishing on a Window screen, a configuration session between the designer and the customer in order to develop the customer's sizing requirements.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>1. (b) generating a display report which will recommend the optimum server configuration and other necessary information to optimize the customer's requirements.</p>	<p><i>Col. 5, lines 62-67:</i></p> <p>Block 60 represents the generation of a detailed output report for the user describing the solution. The detailed output report provides the recommended model of multi-processor computer system, the number of processors needed in the system, the amount of memory required, and the configuration of a disk subsystem suitable for the system.</p>

APPLICANTS' CLAIM 1(b): Examiner has cited the Bhat column 5, lines 62-67. In this respect, Bhat does mention the use of a detailed output report for a user describing the solution. However, note that this does not fully indicate Applicants' clause 1(b) for generating a display report which will recommend the optimum server configuration and other necessary information to optimize the customer's requirements.

(CLEAN COPY OF CURRENTLY AMENDED CLAIM)

2. The method of claim 1 wherein step (a) of said configuration session includes the steps of:

(a1) establishing on a Windows screen, the physical site locations where a Server Farm containing terminal servers will be located;

(a2) establishing on a Windows screen, the total number of users to be located at each of said sites and the concurrent number of users at any given period of time;

(a3) establishing on a Windows screen, the User-Types involved at each site which enumerates the number of the various types of specific Users involved;

(a4) establishing on a Windows screen, the application program types that will be used by each of the User-Types;

(a5) establishing on a Windows screen, the relationship between User-types and Application program types to specify the number of concurrent User-type Users for each Application type.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>2. The method of claim 1 wherein step (a) of said configuration session includes the steps of:</p> <p>(a1) establishing on a Windows screen, the physical site locations where a Server Farm containing terminal servers will be located;</p>	<p>Col. 1, lines 54-60:</p> <p>SUMMARY OF THE INVENTION:</p> <p>To overcome the limitations in the prior art described above, and to overcome other limitations that will become apparent upon reading and understanding the present specification, the present invention discloses a computer-implemented capacity planning system for multiprocessor computer systems used in client/server environments. The capacity planning system provides a correctly sized and configured computer system in response to user specified requirements. The user specified requirements comprise ...</p>

APPLICANTS' CLAIM 2(a1): Here, Examiner has cited Bhat, column 1, lines 54-60, as indicated in the attached Chart. Again, it should be noted that in Bhat, his summary statement does not teach Applicants' clause (a1) on establishing a Window screen, and physical site locations where a Server Farm containing terminal servers will be located.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>2. (a2) establishing on a Windows screen, the total number of users to be located at each of said sites and the concurrent number of users at any given period of time;</p>	<p>Col. 4, lines 31-43:</p> <p>Blocks 28-42 represent the calculations performed by the present invention in determining the model of multiprocessor computer system to suggest. Block 28 represent the calculation of the network service time per transaction by adding the input data size and output data size per transaction and dividing by the network bandwidth. Block 30 represents the calculation of a transaction service time by adding the processor service time per transaction to the network service time per transaction. Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the total number of users. Block 34 represents the calculation of the network throughput by...</p>

APPLICANTS' CLAIM 2(a2): Here, Examiner has cited the Bhat reference of column 4, lines 31-43. By observing the Chart involved on claim 2(a2), it can readily be seen that the cited reference does not teach --- Applicants' clause (a2) establishing on a Windows screen, the total number of users to be located at each of said sites, and the concurrent number of users at any given period of time.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
2. (a3) establishing on a Windows screen, the User-Types involved at each site which enumerates the number of the various types of specific Users involved;	Col. 4, lines 40-42: Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the total number of users.

APPLICANTS' CLAIM 2(a3): Here, Examiner has cited the Bhat reference, column 4, lines 40-42. By observing the Bhat statements here, it can readily be seen that they certainly do not teach Applicants' clause 2(a3), (establishing on a Windows screen, the User-types involved at each site which enumerates the number of the various "types of" specific Users involved).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
2. (a4) establishing on a Windows screen, the application program types that will be used by each of the User-Types;	Col. 1, lines 44-47: ... of the vendor. Sizing the computer system requires time and a correct understanding of the customer's application and the performance of the proposed computer systems. In the prior art, there exists no tool for sizing the complex multiprocessor computer systems used in client/server environments.

APPLICANTS' CLAIM 2(a4): Here, Examiner has cited the Bhat column 1, lines 44-47. All that Bhat says here is that sizing the computer system requires "time and a correct understanding of the customer's application". Note that this does not teach Applicants' claim 2(a4) for establishing on a Windows screen, the application program types that will be used by each of the User-types.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>2. (a5) establishing on a Windows screen, the relationship between User-types and Application program types to specify the number of concurrent User-type Users for each Application type.</p>	<p><i>Col. 3, lines 6-14:</i></p> <p>... computer system as a solution. More specifically, the present invention accepts inputs for a specific client-server environment such as the number of users, amount of disk storage required, average number of transactions per second per user, average input data size per transaction, average output data size per transaction, average processor service time per transaction, average number of disk accesses per transaction, average disk service time per disk access, number of networks, and network bandwidth. The present invention suggests reasonable default values for the environment, which can be overridden by the user.</p>

APPLICANTS' CLAIM 2(a5): Here, Examiner has cited the Bhat column 3, lines 6-14. It should be noted that this statement of Bhat does not cover the teaching of Applicants' clause (a5) on establishing on a Windows screen, the relationship between User-types and application program types to specify the number of concurrent User-type Users for each Application type.

(CLEAN COPY OF CURRENTLY AMENDED CLAIM)

4. A system for developing a customer profile which indicates the various capabilities and requirements of the customer to be used as input for generating a optimized configuration report, and wherein certain factors are developed which include: (i) customers' site locations for Server Farms as indicated by a locational address; (ii) the types of users which indicates their workload activity and the number of users for each Server Farm; (iii) the types of application programs used by each of the users in each Server Farm; (iv) establishing the level of expected availability for each server to estimate the maximum period of downtime predicted; (v) setting a figure for the maximum allowable number of users for each Server; (vi) establishing the concurrent number of users for each Server on an average basis; (vii) establishing a benchmark value to indicate the total number of users that the Server systems will support; (viii) means to establish the optimum Server Farm configuration to suit the needs of a specific customer, said system comprising:

(a) a plurality of window screens which can be displayed on a personal computer for inputting a series of parameters which develop a customer profile;

(b) Windows screens for developing the customer's site locations for his terminal servers, and for inputting the types of users and the number of users that will be using the Server Farm, and for inputting the application program types to be used by each of the users of the Server Farm;

(c) auxiliary Windows screens for inputting the level of availability expected from the server, the maximum number of users for each server, and the concurrent number of users for each server plus the use of various benchmark and network utilization parameters;

(d) algorithmic means for calculating and displaying the optimum server configuration suitable for fitting the customer's profile.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. A system for developing a customer profile which indicates the various capabilities and requirements of the customer to be used as input for generating a optimized configuration report, and wherein certain factors are developed which include:</p> <p>(i) customers' site locations for Server Farms as indicated by a locational address;</p>	<p><i>No citation by Examiner.</i></p>

APPLICANTS' CLAIM 4(i): Here, Examiner has not indicated any particular citation in the Bhat reference, therefore, there is no teaching for developing a customer profile, nor the factors of customer's site locations for Server Farms as indicated by a locational address.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
4. (ii) the types of users which indicates their workload activity and the number of users for each Server Farm;	<p><i>Col. 1, lines 60-67:</i></p> <p>. . . requirements. The user specified requirements comprise workload parameters. The generated output from the capacity planning generally comprises a recommended multiprocessor computer system, the number of processors needed in the system, the amount of memory required, and the configuration of a disk subsystem suitable for the system, including the number of disk drives, the size of each of the disk drives, and how they should be configured for best . . .</p>

APPLICANTS' CLAIM 4(ii): Here, Examiner has cited the Bhat reference, column 1, lines 60-67. While Bhat here mentioned the "generality" of workload parameters --- this does not teach Applicants' clause at claim 4(ii) regarding the types of users which indicates their workload activity and the number of users for each Server Farm. In fact, the Bhat reference does not contemplate the use of Server Farms, especially as was particularly and specifically indicated in Applicants' Fig. 2 and the subsequent discussions thereof in the specification.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (iii) the types of application programs used by each of the users in each Server Farm;</p>	<p><i>Col. 3, lines 65 thru Col. 4, line 3:</i></p> <p>. . . users using the configured system. The output resource utilization generally includes the percentage processor utilization, percentage disk utilization, and percentage network utilization for the specified workload. The output bottleneck analysis generally includes an identification of components that may be overloaded by the customer's application and thereby suggests additional components that may be added to the system to eliminate the bottlenecks.</p>

APPLICANTS' CLAIM 4(iii): Here, Examiner has cited the Bhat column 3, lines 65 through column 4, line 3. Here, Bhat merely mentions percentage processor utilization, percentage disk utilization and percentage network utilization for the specified workload. This certainly does not teach the use and application of Applicants' claim 4(iii) regarding the types of application programs used by each of the users in each Server Farm. Again, it should be noted that Bhat does not contemplate the use of multiple Server Farms, as was indicated in Applicants' disclosure, and Applicants' Fig. 2.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
4. (iv) establishing the level of expected availability for each server to estimate the maximum period of downtime predicted;	Col. 3, lines 17-25: . . . by the present invention using an estimate of the percentage of system resources consumed by such auxiliary processing.

APPLICANTS' CLAIM 4(iv): Here, Examiner has cited Bhat column 3, lines 17-25. The statement of Bhat regarding an estimate of the percentage of system resources consumed by such auxiliary processing --- certainly does not correlate to nor teach, Applicants' clause (iv) for establishing the level of expected availability for each server to estimate the maximum period of downtime predicted.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (v) setting a figure for the maximum allowable number of users for each Server;</p>	<p><i>Col. 4, lines 45-50:</i></p> <p>. . . by the number of users and by the number of transactions per user. Block 36 represents the calculation of the total amount of disk space by adding the disk space needed for the main application with the disk space needed for auxiliary tasks. Block 38 represents the calculation of the number of disk drives required by dividing the disk space by the size of the disk drives. Block 40 represents the calculation of the . . .</p>

APPLICANTS' CLAIM 4(v): Here, Examiner has cited Bhat column 4, lines 45-50. It is to be noted here that Bhat discusses calculations for the total amount of disk space needed for auxiliary tasks, and the calculation of number of disk drives required. Again, it should be noted that this does not correlate nor teach Applicants' claim 4(v) on setting a figure for the maximum allowable number of users for each server. Bhat does not set-up an organization of Servers as in Applicants' Fig. 2.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (vi) establishing the concurrent number of users for each Server on an average basis;</p>	<p><i>Col. 4, lines 31-43:</i></p> <p>Blocks 28-42 represent the calculations performed by the present invention in determining the model of multiprocessor computer system to suggest. Block 28 represents the calculation of the network service time per transaction by adding the input data size and output data size per transaction and dividing by the network bandwidth. Block 30 represents the calculation of a transaction service time by adding the processor service time per transaction to the network service time per transaction. Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the total number of users. Block 34 represents the calculation of the network throughput by adding the input and output data sizes, multiplying the result...</p>

APPLICANTS' CLAIM 4(vi): Here, the Examiner has cited Bhat at column 4, lines 31-43, as shown in the attached chart. Here, Bhat discusses that a "generalized block 28" represents(?) the calculations of the network service time for transaction. This does not teach Applicants' claim 4(vi) for establishing the concurrent number of users for each server on an average basis. Thus, there is very little correlation as seen in the attached Chart, for the Bhat statement in regard to Applicants' concurrent number of users for each server.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
4. (vii) establishing a benchmark value to indicate the total number of users that the Server systems will support;	<i>No references cited.</i>

APPLICANTS' CLAIM 4(vii): Here, there are no references cited by Examiner which would correlate with Applicants' clause (vii) for establishing a benchmark value to indicate a total number of users that the server systems will support.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (viii) means to establish the optimum Server Farm configuration to suit the needs of a specific customer, said system comprising:</p>	<p><i>Col. 3, lines 1-6:</i></p> <p>The present invention accepts information regarding the customer's application, including the data size, processing time, and other characteristics of the transactions performed by the application, and then mathematically models and suggests an optimum configuration of a multiprocessor computer system as a solution. More specifically, the present...</p>

APPLICANTS' CLAIM 4(viii): Examiner has cited the Bhat reference at column 3, lines 1-6, as seen in the attached Chart. Here, Bhat discusses "mathematical models" and "suggests" an optimum configuration of a multi-processor computer system as a solution. This "generalized statement" with no specific implementation, does not teach or cover Applicants' claim 4, clause (viii), on means to establish the optimum Server Farm configuration to suit the needs of a specific customer. Note Applicants' Figs. 15-28, which indicate specific operations and also the reference incorporated from USSN 09/813,672 (Docket 041-511-L) and USSN 09/813,670 (Docket 041-512-L).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (a) a plurality of window screens which can be displayed on a personal computer for inputting a series of parameters which develop a customer profile;</p>	<p><i>Col. 4, lines 14-30; Fig. 2:</i></p> <p>Fig. 2 is a flowchart more specifically illustrating the logic performed by the present invention. Block 26 represents the system prompting for the entry of user specifications. In most cases, the only data that is needed for input would be the number of users, the amount of disk space required, and the number of transactions performed per second per user. The input process of the present invention suggests reasonable values for these parameters and a default value is always available for entry. Additional parameters can be entered to more accurately specify the customer's environment, including the number of networks desired, the bandwidth of the network, the input data size per transaction, the output data size per transaction, the number of disk accesses per transaction, the average disk service time per disk access, and the percentage of processor time used for auxiliary tasks. These parameters are typically easily identified for a customer environment.</p>

APPLICANTS' CLAIM 4(a): In regard to Examiner's citation of Bhat, column 4, lines 14-30, and Fig. 2, here, Bhat references a "generalized" block 66 and states the only data needed for input

would be the number of users, the amount of disk space required, the number of transactions performed, per second, per user.

Note, that this is a very limited set of information which does not correlate to the extended amounts of information which is shown in Applicants' specification and drawings, and especially in Figs. 1-26.

Further, this citation of Bhat column 4, lines 14-30, does not teach or correlate how Applicants' claim clause 4(a) shows a plurality of Window screens which can be displayed on a personal computer for inputting a series of parameters which develop a customer profile. As will be seen from Applicants' drawings, a multiple number of various types of customer information is much more extensively applied than anything even indicated by the Bhat reference. Note Applicants' Figs. 7-13, plus Figs. 15-28.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (b) Windows screens for developing the customer's site locations for his terminal servers, and for inputting the types of users and the number of users that will be using the Server Farm, and for inputting the application program types to be used by each of the users of the Server Farm;</p>	<p><i>Col. 3, lines 1-5:</i></p> <p>The present invention accepts information regarding the customer's application, including the data size, processing time, and other characteristics of the transactions performed by the application, and then mathematically models and suggests an optimum configuration of a multiprocessor computer system as a solution. More specifically, the present...</p>

APPLICANTS' CLAIM 4(b): Here, Examiner has cited the Bhat reference column 3, lines 1-5. It will be seen that these statements of Bhat do not teach or indicate Applicants' clause 4(b) on Window screens for developing the customer's site locations or his terminal servers, and for inputting the types of users and the number of users that will be using the Server Farm, and for inputting the application program types to be used by each of the users of the Server Farm. Here, it is beyond the stretch of imagination that this reference to Bhat could cover the teaching of Applicants' claim 4(b).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (c) auxiliary Windows screens for inputting the level of availability expected from the server, the maximum number of users for each server, and the concurrent number of users for each server plus the use of various benchmark and network utilization parameters;</p>	<p><i>Col. 4, lines 14-20:</i></p> <p>Fig. 2 is a flowchart more specifically illustrating the logic performed by the present invention. Block 26 represents the system prompting for the entry of user specifications. In most cases, the only data that is needed for input would be the numbers of users, the amount of disk space required, and the number of transactions performed per second per user. The input process of the present invention suggests reasonable values for these parameters and a default value is always available for entry. Additional...</p>

APPLICANTS' CLAIM 4(c): Here, Examiner has cited the Bhat column 4, lines 14-20. Bhat cites a "generalized" flowchart with opportunistic statements in each block as what would be desirable. And note, that Bhat states --- the only data that is needed for input would be the number of users, the amount of disk space required, and the number transactions performed per second, per user. This certainly does not apply to multiple numbers of Server Farms, nor does it apply to Applicants' claim 4(c), where there are auxiliary Window screens for inputting the level of availability expected from the server, the maximum number of users for each server, and the concurrent number of users for each server, plus the use of various benchmark and network utilization parameters. It is abundantly clear that this reference to Bhat certainly does not teach or encompass Applicants' claim 4(c).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>4. (d) algorithmic means for calculating and displaying the optimum server configuration suitable for fitting the customer's profile</p>	<p><i>Col. 3, lines 25-30:</i></p> <p>On receiving the inputs, the present invention performs a set of calculations contained in the mathematical model to provide the following outputs: the recommended model of multiprocessor computer system, the number of processors needed in the server, the amount of memory required, and the configuration of a disk subsystem suitable for the system, including the number of disk drives, the size of the disk drives, and how they should be configured for performance.</p>

APPLICANTS' CLAIM 4(d): Here, Examiner cited the Bhat column 3, lines 25-30. Bhat refers to a "mathematical model" to provide certain outputs. However, the so-called "mathematical model" is never particularized, discussed, or indicated in the disclosure of Bhat. It is only a grandiloquent hope that somewhere there must exist some mathematical model, which of course, is not shown in the Bhat reference. Therefore, Bhat has no teaching of Applicants' claim 4(d) for algorithmic means for calculating and displaying the optimum server configuration suitable for fitting the customer's profile.

(CLEAN COPY OF CURRENTLY AMENDED CLAIM)

6. A system involving an information collection process for designing, configuring and optimizing a Server Farm for a customer's Enterprise system comprising:

(a) a server information database means for holding benchmarks and informational data on a plurality of servers to be utilized;

(b) a sizing database means for holding User-type and Application-type attributes;

(c) a configuration database template means for storing information collected from window screens used in the information collection process;

(d) a configuration session database means for providing information to an Application Delivery Solution Configurator to enable algorithmic steps to be implemented for developing an optimized Server Farm configuration for meeting a customer's requirements;

(e) Application Delivery Solution Configurator means which provide programmatic methods for accessing information from said server information database means, from said sizing database means, from said configuration database template means, and from said configuration session database means, for application to a sequence of algorithmic steps which will provide a series of output reports which will indicate optimum Server Farm configurations, said Application Delivery Solution Configurator means also including input

information developed from customer-client-user profile information;

(f) information means developed from customer client-user communication and that of a system designer which can then be input to said Application Delivery Solution Configurator means.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>6. A system involving an information collection process for designing, configuring and optimizing a Server Farm for a customer's Enterprise system comprising:</p> <p>(a) a server information database means for holding benchmarks and informational data on a plurality of servers to be utilized;</p>	<p><i>No citation by Examiner.</i></p> <p><i>Col. 2, lines 40-44:</i></p> <p>... device 18 and a keyboard 20. In addition, the computer 10 operates under the control of an operating system 22. The present invention itself is a computer program 24 and database operating under control of the operating system 22.</p> <p><i>Col. 3, lines 19-21:</i></p> <p>... For example, some portion of the system's resources may be consumed by other tasks, such as periodic database updates, down-time for backups, downloading data from other systems, etc. These variables are specifically addressed...</p>

APPLICANTS' CLAIM 6(a): Here, Examiner has made no citation in regard to the preamble material, but has cited the Bhat reference, column 2, lines 40-44 and column 3, lines 19-21 regarding Applicants' clause 6(a). Now referring to the attached Chart showing these Bhat references, it can readily be seen that there is no teaching which correlates with Applicants' claim 6(a), where a server information database means for holding benchmarks and informational data on a plurality of servers to be utilized is indicated in the claim. Again, there is no correlative teaching in Bhat which could teach Applicants' clause 6(a).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>6. (b) a sizing database means for holding User-type and Application-type attributes;</p>	<p><i>Col. 4, lines 40-44:</i></p> <p>Block 32 represents the calculation of the processor service time required by multiplying the transaction service time by the number of transactions per user and the total number of users Block 34 represents the calculation of the network throughput by adding the input and output data sizes, multiplying the result by the number of users and by the number of transactions per user.</p> <p><i>Col. 3, lines 19-23:</i></p> <p>. . . For example, some portion of the system's resources may be consumed by other tasks, such as periodic database updates, downtime for backups, downloading data from other systems, etc. These variables are specifically addressed by the present invention using an estimate of the percentage of system resources consumed by such auxiliary processing.</p>

APPLICANTS' CLAIM 6(b): Here, Examiner has cited the Bhat column 4, lines 40-44 and column 3, lines 19-23. Here, Bhat merely cites a "generalized block 32" which "represents" the calculation of the service time required, and then mentions that some portion of system resources may be consumed by other tasks Again, we have to immediately notice that these statements indicated by Bhat in the attached chart certainly do not teach or encompass Applicants' claim 6(b) on a sizing database means for holding User-type and application-type attributes.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>6. (c) a configuration database template means for storing information collected from window screens used in the information collection process;</p>	<p><i>Col. 2, lines 40-44:</i></p> <p>... device 18 and a keyboard 20. In addition, the computer 10 operates under the control of an operating system 22. The present invention itself is a computer program 24 and database operating under control of the operating system 22.</p> <p><i>Col. 3, lines 19-21:</i></p> <p>In addition, the mathematically model can take into account other variables not related to the application being measured. For example, some portion of the system's resources may be consumed by other tasks, such as periodic database updates, downtime for backups, downloading data from other systems, etc. These variables are specifically addressed...</p>

APPLICANTS' CLAIM 6(c): Here, Examiner has cited the Bhat reference column 2, lines 40-44, and column 3, lines 19-21. Note here from the Chart, that Bhat merely mentions a computer program 24 and the database operating under control of the operating system 22. Further, he mentions "in generality", a mathematical model. Again, it is evidently quite clear that neither of these statements by Bhat can encompass or teach Applicants' claims 6(c) on a configuration database template means (Item 40 in Applicants' Fig. 1A) for storing information collected from Window screens used in the information collection process.

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>6. (d) a configuration session database means for providing information to an Application Delivery Solution Configurator to enable algorithmic steps to be implemented for developing an optimized Server Farm configuration for meeting a customer's requirements;</p>	<p><i>Col. 3, lines 19-25:</i></p> <p>. . . For example, some portion of the system's resources may be consumed by other tasks, such as periodic database updates, down-time for backups, downloading data from other systems, etc. These variables are specifically addressed . . . by the present invention using an estimate of the percentage of system resources consumed by such auxiliary processing.</p>

APPLICANTS' CLAIM 6(d): Here, Examiner has cited the Bhat reference, column 3, lines 19-25. Bhat just mentions that some portion of the system's resources may be consumed by other tasks It is now quite evident that this statement cannot teach, encompass, or even imply Applicants' claim 6(d) on a configuration session database means (Item 50 of Fig. 1A) for providing information to an Application Delivery Solution Configurator to enable algorithmic steps to be implemented for developing an optimized Server Farm configuration for meeting a customer's requirements. So, by examining this particular section of the Chart involved, it is again evidently clear that there is no teaching of a configuration session database means for providing information to an Application Delivery Solution Configurator (as referenced in USSN 09/813,670).

APPLICANTS' CLAIM/CLAUSE:	EXAMINER'S CITATION TO BHAT:
<p>6. (e) Application Delivery Solution Configurator means which provide programmatic methods for accessing information from said server information database means, from said sizing database means, from said configuration database template means, and from said configuration session database means, for application to a sequence of algorithmic steps which will provide a series of output reports which will indicate optimum Server Farm configurations, said Application Delivery Solution Configurator means also including input information developed from customer-client-user profile information;</p>	<p><i>Col. 5, lines 62-67:</i></p> <p>Block 60 represents the generation of a detailed output report for the user describing the solution. The detailed output report provides the recommended model of multi-processor computer system, the number of processors needed in the system, the amount of memory required, and the configuration of a disk subsystem suitable for the system.</p>

APPLICANTS' CLAIM 6(e): Here, Examiner has cited the Bhat reference column 5, lines 62-67, where Bhat mentions a block 60 which "represents" generation of a detailed output report for the user describing the solution -- which provides the recommended model of a multiprocessor computer system, the number of processors needed, the amount of memory required, and the configuration of disk subsystem. This generalized statement regarding block 60 is all well and good, but, as will be observed from the Chart, there is no applicable coordination or teaching in regard to Applicants' clause 6(e) for an Application Delivery Solution Configurator means which provides programmatic methods for accessing information from a Server information database means (20), sizing database means (30), Configuration database means (40), and Configuration Session database means (50), as seen in Fig. 1A. . . . Thus, a detailed comparison of this citation of Bhat will be seen to not be correlative at all to the teaching and limitations shown in Applicants' claim 6(e).

In regard to Applicants' claim 3, it will be seen that the Bhat reference cannot be seen to teach Applicants' special sequence of operational steps.

As a final note in claim evaluation, one should consider the case of Kalman v. Kimberly-Clark Corporation, 713 F.2d 760, 218 USPQ 781, 789 decided by the Federal Circuit in 1983, where the following was indicated by the Court:

A party asserting that a patent claim is anticipated under 35 USC Article 102, must demonstrate among other things, identity of invention. Identity of invention is a question of fact, and one who seeks such a finding must show that each element of the claim in issue is found, either expressly described or under principles of inherency in a single prior-art reference, or that the claimed invention was previously known or embodied in a single prior-art device or practice. Preliminary to this determination, is construction of the claims to determine their meaning in light of the specification and prosecution history which construction is a matter of law for the Court. (underlines added).

With the above detailed analysis of the citations from the Bhat reference in regard to the specific limitations and statements of each of Applicants' claims and specific clauses, it should now be explicitly clear that the various citations of Bhat by no means will teach or specify the arrangements and limitations provided by Applicants. In this regard, it should be understood that the Examiner should observe Applicants' claims as a whole in their entirety, and not merely to be a factor of bits

and pieces taken from the Bhat reference, which by no means, could apply itself to multiple Server Farms and the various selected pieces of information required in much detail by Applicants' specification, and as seen in Figs. 1-28.

In regard to the inapplicability of the various citations from the Bhat reference, and in view of the extensive, encompassing, detailed limitations shown to be required for multiple Server Farms, and the applicability of an Application Delivery Solution Configurator means, and especially the configuration shown in Applicants' Fig. 1A, which shows a multitude of specialized databases working in conjunction with the Application Delivery Solution Configurator, it should be clearly understood that Applicants' have provided quite a differentiative and all-encompassing sizing tool which is much more comprehensive and quite further extensive than any of the teachings shown in the Bhat reference.

Again, as regards the normal patent rules which indicate that an application should be considered as a whole in its entirety, and not be considered from the fact that certain bits and pieces of prior art may be comparable to some of the limitations in the present claims, it should be understood that Applicants' extant claims should be considered as a whole in their entirety, and that they should stand on their own right as a novel and patentable configuration.

In this regard, it is presently requested that Examiner now consider the extant claims and provide a timely Notice of Allowance therefor.

Respectfully submitted,

By Alfred W. Kozak
Alfred W. Kozak
Reg. No. 24,265
(858) 451-4615
(949) 380-5822

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

June 27, 2005

Patti S. Freddy

Patti S. Freddy